

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

TICORA WILLIAMS,

Civil Action File No.
1:11-cv-03712-RLV

Plaintiff,

v.

WAL-MART STORES EAST, LP,

Defendant.

DEFENDANT’S MOTION FOR PROTECTIVE ORDER

COMES NOW Defendant Wal-Mart Stores East, LP (hereinafter “Defendant”), and pursuant to Rule 26(c), Federal Rules of Civil Procedure and O.C.G.A. § 9-11-26(c) hereby moves this Honorable Court for a Protective Order for the following reasons:

- (1) To prevent the Plaintiff from examining the Asset Protection Office at the subject Wal-Mart store, and limiting the inspection of the store to the area of the Plaintiff’s fall, and
- (2) To protect Wal-Mart from producing original claim forms or folders from other similar incidents at Defendant’s store.

This motion is filed in light of Plaintiff’s recent Notice of Inspection of the premises, scheduled for April 13, 2012, and Plaintiff’s accompanying Request for

Production of Documents at the Inspection.

Defendant Wal-Mart works hard to maintain the privacy and confidentiality of its Asset Protection office. This office is the location for ongoing investigations into internal theft and monetary losses for the store; for investigations into criminal acts on the property, including those involving minors; and for investigations into incidents involving other customers and individuals who have nothing to do with the incident in question.

In particular, Defendant seeks an order for protection because less intrusive means exist for Plaintiff to obtain the requested information other than an inspection of the store's Asset Protection office. To be clear, Defendant has produced a video of the incident in question subject to a consent protective order. In response to Plaintiff's Notice of Inspection and document request, Defendant has also offered to produce "still shots" from other cameras located around the area where the Plaintiff fell after the inspection. Defendant has also offered to make an employee available for a deposition concerning the "still shots" produced.

The reasons for the motion are set forth more fully in the attached brief.

WHEREFORE, Defendant Wal-Mart Stores East, LP prays that the Court inquire into grant its motion and enter the proposed protective order.

This 12th day of April, 2012.

Respectfully submitted,

McLAIN & MERRITT, P.C.

/s/ Albert J. DeCusati
Albert J. DeCusati
Georgia Bar No. 215610
Attorney for Defendant

3445 Peachtree Road, N.E.
Suite 500
Atlanta, GA 30326-3240
(404) 266-9171
adecusati@mclain-merritt.com

Pursuant to Local Rules, counsel for Defendant certifies that the document has been prepared in Times New Roman, 14 point font, and that the document does not contain more than 10 characters per inch of type.

CERTIFICATE OF SERVICE

This is to certify that on April 11, 2012, I electronically filed **DEFENDANT WAL-MART STORES EAST, LP'S MOTION FOR PROTECTIVE ORDER AND BRIEF IN SUPPORT THEREOF** with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to attorneys of record.

McLAIN & MERRITT, P.C.

/s/ Albert J. DeCusati
Albert J. DeCusati
Georgia Bar No. 215610
Attorney for Defendant

3445 Peachtree Road, N.E.
Suite 500
Atlanta, GA 30326-3240
(404) 266-9171
(404) 364-3138 (fax)
adecusati@mclain-merritt.com